



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,651	04/14/2000	Leonard J. DiSanza	SIG99004	8843

7590

09/20/2002

GARLICK, HARRISON & MARKISON LLP
P.O. BOX 160727
AUSTIN, TX 78716

EXAMINER

VO, TIM T

ART UNIT	PAPER NUMBER
----------	--------------

2181

3

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/549,651	Applicant(s) DISANZA ET AL.	
	Examiner Tim T. Vo	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-8,10 is/are rejected.
- 7) ☒ Claim(s) 3 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

Part III DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-10 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ruppert et al. patent number 5,424,524.

As for claims 1, 4-5 and 7, Ruppert teaches a computer peripheral device (see figure 1, personal scanner), comprising:

circuitry to perform a computer peripheral function (see figure 1, personal scanner, element 18, wherein within the scanner comprises at least one circuitry to perform scanning (see column 5 lines 34-47);

RS232 cable that provides a connection to a computer (see figure 1 element 40 and column 6 lines 3-5, wherein the personal scanner communicates with the store's computer via RS232 port 40);

IR (infrared) transceiver (figure 3 element 85 and column 8 lines 59-66) operably coupled to the RS232 cable (see column 6 lines 2-18, column 8 lines 24-35 and column 11 lines 18-26, wherein the personal scanner receives data information (price list) from

the IR transceiver 85 as he/she enters the store and coupled to the computer store via port 40 (RS232) to check out), wherein at least one of the circuitry and the IR transceiver is actively coupled to the computer via the RS232 cable (As explained above, the personal scanner receives price list from the store via infrared port 85. Once he/she is done shopping, the personal scanner is connected to the store's register (store's computer) via port 40 (RS232) to check out (see column 6 lines 3-5);

Ruppert does not expressly teach USB cable and USB hub for data communication but Ruppert further added any communication interface could be selected for communication (see column 8 lines 43-47). Therefore, "Official Notice" is taken that both concept and the advantages for providing USB cable for data communication between the computer and the peripheral device are well known and expected in the art. It would have been obvious to utilize USB for Ruppert's system to increase communication performance because the USB provides data transfer rate is faster than RS232. Further, Utilizing USB has flexibility for system expansion through a single port. For example, the USB hubs can connect up to 127 peripheral devices.

As for claims 2 and 8, Ruppert teaches wherein the circuitry further comprises being implemented to perform at least one of: a mouse function, a keyboard function, a portable printer function, a microphone function, hand scanner function, and a video camera function (see figure 1, the personal scanner).

3. Claims 6 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ruppert in view of Decuir patent number 5, 781,028).

As for claims 6 and 10, Ruppert does not expressly teach a USB cable having a pair of USB cables connecting to a peripheral device. However, Decuir teaches a USB cable having a pair USB cables connecting from a computer to a peripheral (see figure 6 element 12, 72, 62 and column 7 lines 9-39 of Decuir). It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Decuir into the teachings of Ruppert because Decuir providing efficient data transmission between the peripheral device to the computer thus, to prevent "ringing" on the transmission line, and to reduce electromagnetic (EM) radiation caused by the ringing (see column 1 lines 9-18 of Decuir).

Allowable Subject Matter

4. Claims 3 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tim Vo, whose telephone number is (703) 308-5862. The examiner can normally be reached on Monday-Friday from 7:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Peter Wong*, can be reached on (703) 305-3477 or via e-mail addressed to [\[peter.wong@uspto.gov\]](mailto:peter.wong@uspto.gov). The fax number for this Group is (703) 308-5358.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [\[tim.vo@uspto.gov\]](mailto:tim.vo@uspto.gov).

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

Art Unit: 2181

set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

A handwritten signature in black ink, appearing to read "Tim Vo". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Tim Vo
8/16/02

Notice of References Cited	Application/Control No. 09/549,651	Applicant(s)/Patent Under Reexamination DISANZA ET AL.	
	Examiner Tim T. Vo	Art Unit 2181	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,334,160	12-2001	Emmert et al.	710/11
	B	US-6,356,968	03-2002	Kishon	710/306
	C	US-6,085,265	07-2000	Kou	710/63
	D	US-6,424,525	07-2002	MacLeod et al.	361/686
	E	US-5,237,663	08-1993	Srinivasan	710/305
	F	US-5,890,015	03-1999	Garney et al.	710/62
	G	US-5,424,524	06-1995	Ruppert et al.	705/8
	H	US-5,781,028	07-1998	Decuir	326/30
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.